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## Minutes of the March 16, 2010 meeting of Advisory Neighborhood Commission 1-D

*These minutes accepted at the April 20, 2010 meeting.*

### Call to order

[7:02 pm] Chair Edwards called the meeting to order. Present were all six ANC1D commissioners: Edwards, Tunda, Lepanto, Scott, Bosserman, and McKay, constituting a quorum.

### Public discussion

[7:04 pm] The meeting was opened to public discussion. Due to great interest in the City Arts mural, and a large number of residents present, the public discussion period was lengthy. Julian González provided simultaneous interpretation into Spanish, and sequential interpretation into English, according to the language of the speaker.

### City Arts mural (1)

[7:48 pm] Due to the number of residents present and interested primarily, or solely, in the City Arts mural, this matter was considered before proceeding with routine business. Dave introduced this resolution:

The ANC1D commissioners endorse City Arts design for a community mural at 3125 Mt Pleasant Street NW.

Why: The mural by well-known DC muralist Bryon Peck would provide some color and interest along an otherwise drab street and instigate a community dialog of more murals on more walls.

*Motion failed, two votes "yes" (Oliver, Dave), four votes "no" (Jack, Stormy, Gregg, Phil).*

### City Arts mural (2)

[7:58 pm] Gregg introduced his resolution concerning the City Arts mural:

Resolved, ANC1D (1D) advises the DC Commission on Arts and Humanities to not approve the funding for the latest City Arts design for a mural to be placed on the North wall at 3125 Mt Pleasant Street NW (Atonatl).

Why:

1. A fixed mural likely will be obscured by any development of the three narrow properties directly to the north.
2. The current design is unpersuasive, with many residents from all across the neighborhood expressing strong dislike. A broader program of public art could leverage the many thousands of square yards of blank wall space to encourage more diverse choices and broader participation.
3. The process used to develop the current design is unpersuasive. A locally based competition seems likely to bring in more choices, rather than would trying to tweak a single offering.

*Motion failed, two votes "yes" (Gregg, Phil), three votes "no" (Stormy, Dave, Oliver); Jack abstained.*

### **City Arts mural (3)**

[8:05 pm] Jack offered this resolution:

Resolved, ANC1D advises the DC Commission on Arts and Humanities to not approve the latest City Arts design for a mural to be placed on the North wall at 3125 Mt Pleasant Street NW (Atonatl), but to require Mr Peck to revise the design to meet the principal objection raised by residents of Mount Pleasant, namely that the design is too cluttered with detail to be effective in its proposed location.

Why: The current design has not won the support of all of the Mount Pleasant public, with many residents from all across the neighborhood expressing their strong dislike, commonly on grounds that the design "is too complicated". This is not simply a matter of differing tastes in art, but in the assessment of the validity of this design as an enhancement to Mount Pleasant Street.

*Motion failed, two votes "yes" (Jack, Stormy), three votes "no" (Gregg, Dave, Oliver); Phil abstained.*

[8:08 pm] Proceedings were interrupted temporarily at this time to allow residents who had come only for the mural discussion to depart.

### **Secretary's report**

[8:15 pm] Jack noted that minutes of the February 16 meeting had been distributed on February 17, and asked if there were any corrections. No corrections being offered, the minutes were declared accepted.

### **Treasurer's report**

[8:15 pm] Jack moved that Julio González be paid \$100 for interpreting at this meeting. *Approved, 6 to 0.*

### **Informal meeting topic**

[8:26 pm] Gregg proposed that the April 6 informal ANC meeting focus on the topic of a pedestrian encounter zone for the commercial corridor. This topic was agreed to.

### **ANC1D advises the DC Council to disapprove DCPL contracts for the Ward One (MtP) Library**

[8:29 pm] The unfinished business of a previous meeting was brought to the floor:

Resolved, ANC 1D advises the DC Council – and in particular the Committee on Libraries, Parks & Recreation – to disapprove contracts submitted by the District of Columbia Public

Library (DCPL) for the Mt Pleasant Branch Library, and to indicate that no contracts will be approved until several conditions are fulfilled, listed below:

1. Local needs: DCPL submits a revised design after serious consultation with the local ANCs that

- Reflects the distinctive needs of the neighborhood and local users by asking ward one ANCs for their ideas, and funding a study of local needs and alternative approaches.
- Respects the almost unique historical traditions of this Carnegie library by not encumbering it with a distracting and discordant 'hunchback'. The two other Carnegie branch libraries (Southeast & Takoma Park) did not suffer such bloat.
- Facilitates rather than hinders future emergency access by a ladder fire truck to about a dozen older apartment buildings, by using an expansion of the ground floor entrance reduces the difficulty of access by seniors, handicapped, and families with infants and kids.

In particular, 1D urges the DC Council to make clear to DCPL that – compared to decades of better future benefits and the very large capital costs – designs must be based on local needs and neighborhood distinctiveness, not a DC-wide template. 1D urges the DC Council to give priority to the safety needs of neighbors by waiving the "by-right" development of this government agency so that these issues may be addressed, say by the Board of Zoning Adjustment, and by the Historic Preservation Review Board.

Specifically, 1D advises the DC Council to require that the design be developed in collaboration not only with ANCs but the Department of Transportation, the Office of Planning, and the Department of Parks and Recreation so that this investment can be leveraged with the neighboring facilities for greater public benefit. The Office of Planning (and 1D) has observed that this could be a gateway that would greatly enhance cross-ANC traffic, and aid the smallest main commercial corridor of ward one's four ANCs.

2. Uphold the law: DCPL fulfills its legal duty of DCPL to notify and give Great Weight to local ANCs of planning and design process, and does so by demonstrating utmost respect for code and case law to answer each point raised by ANCs in particularity from the perspective of the ANC and with evidence-based arguments.

In particular, 1D urges the DC Council to make clear to DCPL that there are no rewards for shirking or skirting the ANC and other laws. 1D urges the DC Council to insist that the law be upheld – the main entrance of any substantially rehabbed public building must be accessible to all.

3. Larger, longer-term benefits: DCPL revises the design and process to facilitate adapting to major changes of the next half century in technology and public engagement.

In particular, 1D urges the DC Council to make clear to DCPL that an approved design must provide for low-cost and high flexibility to adjust spaces to meet the needs of future studies that have been promised but not done. Similar flexibility is needed for DCPL to anticipate and adjust to the radical changes now arising from new technologies and patterns of information development and application.

Already, arguments for using better present practices to increase effectiveness by a factor of ten has been brought to DCPL's attention, which they have ignored. A further gain in cost-effectiveness seem possible and even likely. It appears that the DC Council need require changes in DCPL's management culture, and in the facility plan to facilitate systematic learning.

*Motion passed, three votes "yes" (Gregg, Oliver, Stormy), two votes "no" (Dave, Phil); Jack abstained.*

## **Mount Pleasant Town Square and Pedestrian Encounter Zone**

[8:41 pm] Jack offered the following motion:

Resolved, that ANC1D advises the District Department of Transportation (DDOT) to undertake a study of a trial "Pedestrian Encounter Zone" in the 3200 block of Mount Pleasant Street, yielding a substantial expansion of the effective area of Lamont Park, as well as promoting pedestrian and bicycle use of Mount Pleasant Street, between Lamont Street and Park Road. Because the Mount Pleasant Main Street Transportation Enhancement Grant proposal was not developed in broad consultation with the neighborhood, 1D advises that that funding await the results of this Pedestrian Encounter Zone study.

Why:

There is general agreement in Mount Pleasant that the commercial strip should be made more attractive to pedestrians, and less devoted to automobile traffic. Mount Pleasant Street at this time is a 56-foot-wide barrier between Lamont Park and the shops on the east side of the street. Pedestrians frequently cross this street in mid-block, making their way across two lanes of traffic, two lanes of parked cars, and one center lane used for turning buses and as a truck loading zone. Declaring this barrier a "pedestrian encounter zone" would give pedestrians priority over traffic, legitimizing and enhancing current use.

Such "encounter zones" have found success in Europe, where certain central-city areas have been designated areas where pedestrians, not cars, have priority. Traffic is not prevented from entering the area, but drivers must yield to pedestrians, not merely at crosswalks, but everywhere within this zone. Traffic moves slowly, typically with an 18 mph speed limit. The "pedestrian priority" status tends to shift through traffic to other roads, resulting in areas that approach pedestrian malls in people-friendliness, yet which do not prevent access by delivery vehicles or business patrons.

Mount Pleasant Street is ideal for an experimental implementation of a "pedestrian encounter zone" in the District. This is not an essential through route to any outside destinations. Through traffic can take 16th Street, bypassing Mount Pleasant Street entirely. East-west through traffic is best confined to the east-west arterials, Park Road and Adams Mill Road/Irving Street. The reduction of traffic on Mount Pleasant Street would be enhanced by allowing the long-recommended and planned left turn from northbound 16th Street onto westbound Park Road, avoiding the tedious roundabout of the triangle park on the east side of 16th Street, and so reducing any temptation to cut through Mount Pleasant Street to reach westbound Park Road.

Noisy northbound traffic on this block could be further reduced by revising the routes of northbound Metrobuses to take 16th Street, and the left onto Park Road, instead of coming up Mount Pleasant Street. This would have the additional benefit of allowing the conversion of several bus stops into metered automobile parking areas. These additional customer parking spots could justify the elimination of some of the parking on the 3200 block, further reducing vehicle congestion on Mount Pleasant Street, and promoting the use of this area for pedestrians, instead of for cars.

These preliminary concepts require more detailed and thorough investigation. ANC1D advises such an investigation, a study of this "pedestrian encounter zone" as it might be experimentally implemented here in Mount Pleasant, to see how well this could work in DC.

Oliver moved that this resolution be tabled until the next business meeting. *Motion to table: passed 4 to 2 (Oliver, Dave, Stormy, Phil voting "yes", Jack and Gregg, "no").*

## **Reject any involvement of the Metropolitan Police with the Federal "Secure Communities" program**

[8:49 pm] Jack moved the following resolution:

Resolved, that ANC1D advises the Mayor, and the Metropolitan Police Department, to reject any involvement with the Federal "Secure Communities" program.

Why: Effective police work requires the cooperation of the community with the police. Crimes are solved most frequently by means of people in the neighborhood coming forward with information, not by fancy forensics. The police must be viewed as legitimate protectors of the population, not as an outside force hostile to the residents. This essential legitimacy has been hard enough to develop in the immigrant communities, as many immigrants come from countries where the police are not trustworthy. In Mount Pleasant, the growing sense that the police are the friends and protectors of immigrant residents has come about because the Metropolitan Police, to their credit, have given assurance that they will not press residents for their immigration status, and will not become immigration enforcers in neighborhoods of immigrants.

That gain in police legitimacy is seriously threatened by the partnership of the Metropolitan Police with the Federal Immigration and Customs Enforcement Agency (ICE). Despite the stringent limits on this partnership specified by the District Government, there remains the possibility that a person arrested, but innocent of any crime, will be delivered by the District to ICE. The stated purpose of the program is to identify criminal aliens, but there is requirement that an arrested person be convicted of any crime, or that the FBI investigation turn up any contrary evidence, for the identity of that person to be handed over to ICE. The sole purpose of the ICE investigation is to identify unauthorized aliens, not to identify criminals.

This connection with ICE, limited as it may be, will be perceived by many in the immigrant communities as the Metropolitan Police becoming agents of the Federal immigration authorities. This collaboration with ICE will, as the National Immigration Forum says, "undermine public safety by making immigrants afraid to report crimes or assist in investigations".

The duty of the Metropolitan Police is to maximize public safety, and any activities that compromise that primary obligation are to be avoided. This partnership with ICE will decrease public safety, impairing the ability of the police to solve actual crimes and capture actual criminals, in a misguided effort to identify unauthorized aliens. The priority of the police must be the protection of the public from crime and criminals, not from the presence of unauthorized aliens.

*Motion passed, 6 to 0.*

## **On the implementation of the so-called "Secure Communities" program**

[8:58 pm] Gregg introduced this resolution:

Resolved: ANC1D advises MPD, and the DC Council on the Judiciary, to stop and pay close attention to MPD's apparent lawbreaking and unwise behavior in the planning and implementing of the so-called "Secure Communities" program.

Why:

1. As a substantial change in policy on service delivery – strongly increasing the potential penalties for unproven arrests for relatively minor crimes – MPD appears to break the ANC law and an Executive Order that requires 30 business day notice to impacted ANCs before implementation. DC Code 1, 309-10.

As one of the most diverse ANCs in the District, this proposed action would likely have a serious impact on the Mount Pleasant neighborhood. Commissioners in single member district with a large population of ethnic and immigrant populations were not notified.

Due process and great weight was denied to ANC1D and ANCs city-wide.

This includes the opportunities for ANCs to (also in DC Code 1, 309-10)

- form arguments and recommendations in response to proposed action
- receive acknowledgment to ANC recommendations and arguments
- receive an articulated response to each argument made by the ANC
- hold public hearings on the proposed action
- call public witnesses from agencies and independent entities to testify before the commission
- consult with the Mayor's office for any other regulations needed to best perform their responsibilities
- initiate their own proposal for District government action
- submit to the Council a report dealing with Commissions findings and recommendations to the proposed government action.

For such an important or even explosive issue, ANC1D would have likely performed its duties by all these means. This must be immediately redressed if MPD is to merit respect for honoring oaths of office to uphold the law.

2. The secretive origin and stealthy rollout of what could be a highly unpopular program seems to foolishly flirt with further alienation of DC's large and diverse ethnic and immigrant populations. This goes against established research that demonstrate police effectiveness depends on the support and collaboration of the impacted populations. This climate of alienation could foster the growth of a larger alienated population that disrespect the law. This may also result in less cooperation with a disrespected police force from all parts of DC's population.

3. A smaller pilot program is likely to provide far better results in the long run. A pilot would

- start with a dozen or so very serious crime categories, and would
- engage unbiased third parties to follow and evaluate the results
- provide interim reports every three months.

If there have not been documented (within a year) large aggregate benefits – say improvements of at least 10% in the reduction of some crime categories – the program must be stopped within three months of the one-year mark.

This evaluation must be handled outside the influence of MPD or the executive, say in the office of the DC Auditor. If there are strong benefits, then the program could be expanded

incrementally, adding in a calendar year no more categories than those contributing 10% to aggregate conviction rates.

*Motion passed, 5 to 0 vote (Gregg, Oliver, Stormy, Dave, Jack voting “yes”, Phil abstaining).*

## **Adjournment**

[9:01 pm] Gregg moved adjournment. By unanimous consent, the meeting was adjourned at 9 pm.